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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,310	07/20/2006	Johannes Maria Van Meurs	NL040055	9206

24737 7590 09/01/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
A, MINH D	

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,310	VAN MEURS ET AL.	
	Examiner	Art Unit	
	MINH D. A	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is a response to Applicant's amendment after final filed on August 6 2009. In virtue of this amendment, claims 1-20 are currently presented in the instant application.

Response to Arguments

1. Applicant's arguments, see REAMRK, filed 8/6/09, with respect to the rejection(s) of claim(s) 1-20 under 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sun(U.S Patent No: 6, 144, 172).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mita (Pub. No.: US 2003/0222594) in view of Sun (U.S Patent No: 6,144,172).

Regarding claim 1, Mita discloses, in figures 1 and 3 at the right that, a high frequency driver for a gas discharge lamp that includes a capacitor in parallel to the lamp_and an inductor that is in series with the parallel connection of the lamp and capacitor, comprising an oscillator, that includes DC input terminals for connecting to a DC source and AC output terminals for connecting to a load comprising the lamp(12), the inductor(L1) and the capacitor(C1), the oscillator(see inverter control circuit (21) is

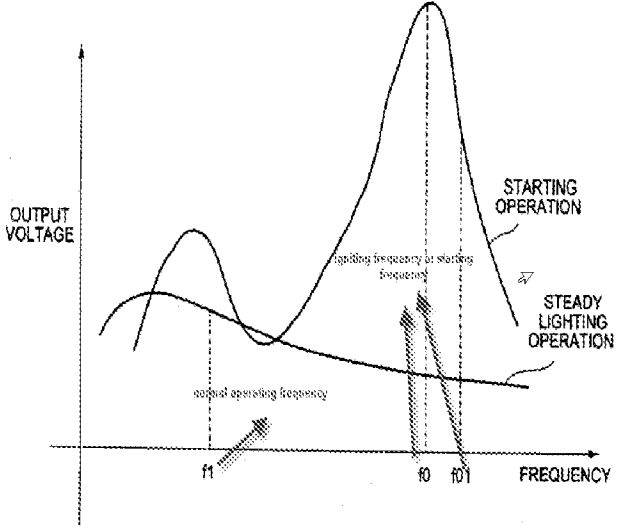

FIG. 3

coupled to Oscillation halting circuit (29)) providing a lamp voltage at a first high oscillating frequency (fo1))during ignition of the lamp(12) and at a second high oscillating frequency(f01) during normal operation of the lamp(12) after its ignition. Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

Mita does not clearly disclose that, wherein at least one of the first and second oscillating frequencies (f01, f0) is frequency modulated.

Sun disclose in figure

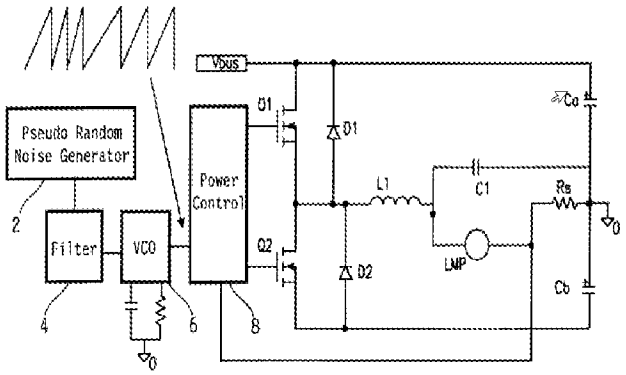

FIG. 1

Sun disclose, in figure 1 above that, the (noise generator) (2) and VCO(6) connected to the power control for modulating higher frequency. Col.6, lines 44-47 and col.8, lines 19-27.

It would have been obvious to one having ordinary skill in the art to the noise generator and VCO as suggested by Sun into the apparatus of discharge lamp of Mita

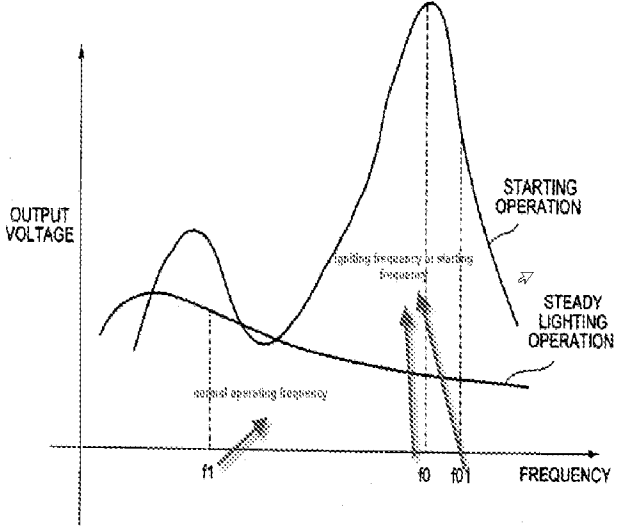

FIG. 3

to achieve the claimed invention. As disclosed in the arrangement circuit of Sun, the motivation for the combination would be to reduce an acoustic resonance due to high frequency operation.

Regarding claim 6 and 12, combination Mita and Sun disclose wherein the modulating frequency being derived from an AC supply (AC source) to the DC source (DC source). See figure 1 above of Mita.

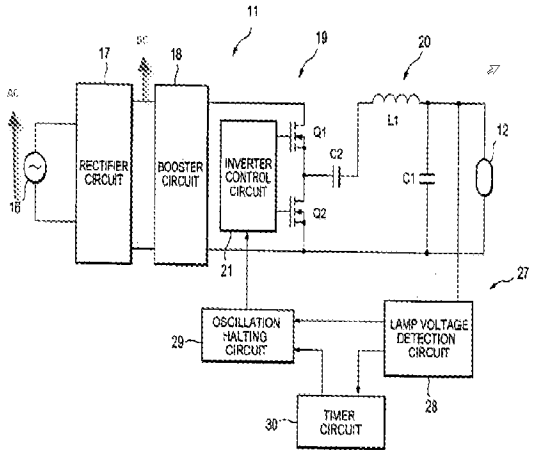

FIG. 1

Regarding claim 7, Mita discloses, in figures 1 and 3 above, a method for driving a gas discharge via an oscillator, that includes DC input terminals for connecting to a DC source and AC output terminals for connecting to a load comprising the lamp(12), the inductor(L1) and the capacitor(C1), the oscillator(see inverter control circuit (21) is coupled to Oscillation halting circuit (29)) providing a lamp voltage at a first high oscillating frequency (fo1))during ignition of the lamp(12) and at a second high oscillating frequency(f01) during normal operation of the lamp(12) after its ignition. Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

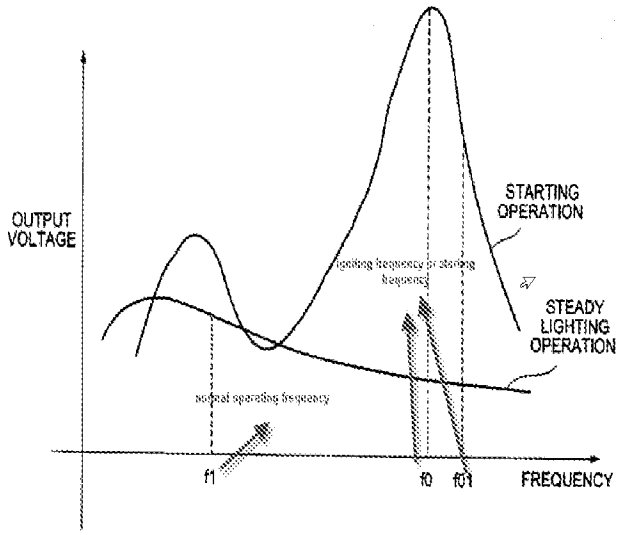

FIG. 3

Sun disclose, in figure 1 above that, the (noise generator) (2) and VCO(6) connected to the power control for modulating higher frequency. Col.6, lines 44-47 and col.8, lines 19-27.

It would have been obvious to one having ordinary skill in the art to the noise generator and VCO as suggested by Sun into the apparatus of discharge lamp of Mita to achieve the claimed invention. As disclosed in the arrangement circuit of Sun, the motivation for the combination would be to reduce an acoustic resonance due to high frequency operation.

Regarding claim 13, Mita discloses, in figures 1 and 3 above that, a gas discharge lamp assembly comprising: a capacitor, a gas discharge lamp coupled in parallel to the capacitor, an inductor that is in series with the lamp and capacitor, DC supply circuit(17) and driver(Q1,Q2) that includes an oscillator(inverter control circuit is coupled to the oscillation circuit as shown in figure 1 at the right) that includes DC input terminals coupled to the DC source and AC output terminals connected to a load comprising the lamp(12), the inductor(L1), and the capacitor(C1), the oscillator(inverter control circuit and oscillation circuit)) providing a lamp voltage at a first high oscillating frequency(fo1) during ignition of the lamp and at a second high oscillating frequency (fo1)during normal operation of the lamp after its

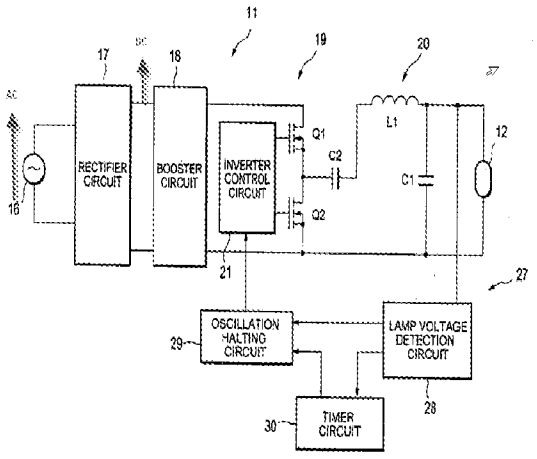

FIG. 1

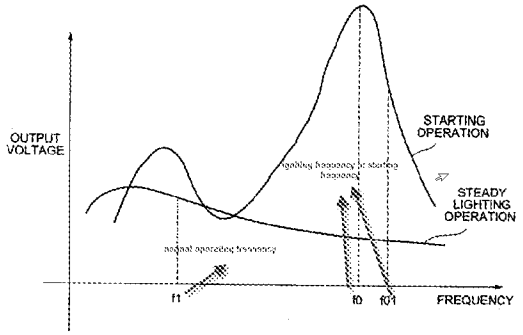

FIG. 3

ignition. Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

Sun disclose, in figure 1 above that, the (noise generator) (2) and VCO(6) connected to the power control for modulating higher frequency. Col.6, lines 44-47 and col.8, lines 19-27.

It would have been obvious to one having ordinary skill in the art to the noise generator and VCO as suggested by Sun into the apparatus of discharge lamp of Mita to achieve the claimed invention. As disclosed in the arrangement circuit of Sun, the motivation for the combination would be to reduce an acoustic resonance due to high frequency operation.

Regarding claims 14, 17 and 19, combination Mita and Sun disclose wherein the first and second high oscillating frequencies are frequency modulated. See figure 3 of Mita.

Regarding claims 2-3, 8-9,15-16,18, and 20 , combination Mita and Sun disclose all claimed invention as recited in claims 1, 7 and 13, except for except for the ratio of the first to second oscillating frequencies is in a range of 2.2 to 7 or the ratio is about approximately 5.

This is difference is not of patentable merit since, the difference of ratio is required the range of frequency between the first frequency and the second frequency and a result in the range of 2.2 to 7 or approximately 5 is subject to optimization.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the first and second frequencies for the

ratio for at least 2.2 to 7 or approximately 5, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding claims 4-5, 10-11, combination Mita and Sun disclose all of the claimed subject matter, as expressly recited in claim 1, except for wherein the oscillating frequency is frequency modulated with less than 15% of an average of the oscillating frequency or wherein the frequency modulation is about 7% of the average of the oscillating frequency.

However, providing the frequency modulated with less than 15% or 7% of an average of the oscillating frequency from the oscillating frequency is not of patentable merits since it is directed to a operation of frequency in the ballast which does not differentiate apparatus claim from the prior art. A claim containing a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Minh A

Art Unit 2821

Date 8/31/09

/Douglas W Owens/
Supervisory Patent Examiner, Art Unit 2821
August 31, 2009